

### **REMARKS**

This amendment, which is responsive to the Office Action of January 22, 2009, leaves claims 1-24 pending in this application. All the claims stand rejected under 35 USC §§ 101 and/or 103. A detailed response, subject to the reservation of rights made herein, follows.

#### **Response to § 101 Rejections**

Claims 11, 16, and 21 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

In response, applicant has amended claim 11 to recite an access control facility accessible via a global data processing network and including a processor and a data store. (Emphasis added.) Thus, applicant believes one may more readily identify that the claimed method is tied to an apparatus. Accordingly, applicant requests respectfully that the Examiner reconsider and withdraw the §101 rejection of claim 11.

Regarding claim 16, applicant submits respectfully that it recites, for example, “at a user system operated by a user, accessing an access control facility via a global data processing network, said access control facility including means for maintaining user information related to said user and means for interactive settlement of a legal dispute.” (Emphasis added.) A user system is an apparatus; means for maintaining user information also constitutes apparatus for performing the recited function; and means for interactive settlement also constitutes apparatus for performing the recited function. As such, applicant believes that the method of claim 16 is tied to sufficient apparatus to fall within the realm of patentable subject matter.

Accordingly, applicant requests respectfully that the Examiner reconsider and withdraw the §101 rejection of claim 16

Regarding claim 21, applicant submits respectfully that unlike claims 11 and 16, claim 21 is not directed to a method or process, but to a system. Moreover, the claim recites that “the access control facility includes means for interactive settlement of a legal dispute.” The means for interactive settlement of a legal dispute, by operation of law, specifically 35 USC 112, para. 6, incorporates the structure recited in the specification, for performing the interactive settlement.

Applicant submits that this structure for performing constitutes apparatus, even if one were to argue that nothing else in the claim constitutes apparatus.

Accordingly, applicant requests respectfully that the Examiner reconsider and withdraw the §101 rejection of claim 21.

### **Response to §103 Rejections**

Claims 1-24 were rejected under 35 U.S.C. § 103(a) as being obvious over Wang (U.S. Publication No. 2002/0123967) in view of Savage et al. (U.S. Publication No. 2002/0026394) in view of Pickering (U.S. Patent No. 5,684,965) in view of Grundfest (U.S. Publication No. 2003/0028782).

In the rejection, the Examiner admits that Wang, Savage, and Pickering omits “means for interactive settlement of a legal dispute” as well as an act of “interactively engaging in communications to settle a legal dispute.” In attempting to overcome this shortfall, the Examiner cites Grundfest.

However, Grundfest does not constitute prior art relative the present application. The present application is in fact a continuation in part of Grundfest, which has applicant number 09/718,097. Applicant has amended the priority paragraph of the present application to recite the this serial number. The original priority paragraph only identified the Grundfest application via title and filing date.

Accordingly, applicant requests respectfully that the Examiner reconsider and withdraw the §103 rejection of claims 1-24.

### **Reservation of Rights**

In the interest of clarity and brevity, applicant may not have equally addressed every assertion made in the Office Action; however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference, such as Grundfest. Applicant does not admit that any of the cited references or any other references of record are

relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

### CONCLUSION

In view of the amended claims and these remarks, applicant respectfully submits that the claims are in condition for allowance, and requests notification to this effect. Additionally, applicant invites the Examiner to telephone its patent counsel Eduardo Drake at (612) 349-9593 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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By 

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 22<sup>nd</sup> day of May, 2009.

/ Jonathan Ferguson /

Jonathan Ferguson